

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

COLONY INSURANCE COMPANY,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 3:17-cv-02620-K
	§	
HOPE PEDIATRICS, LLC	§	
	§	
<i>Defendant.</i>	§	

JOINT RULE 41 STIPULATION OF DISMISSAL WITH PREJUDICE

TO THE HONORABLE COURT:

COMES NOW Plaintiff Colony Insurance Company jointly with Defendant Hope Pediatrics, LLC with this Joint Rule 41 Stipulation of Dismissal with Prejudice.

This insurance coverage lawsuit concerns whether Colony has a duty to defend or indemnify Defendant Hope Pediatrics, LLC (“Hope Pediatrics”) against the claims and potential claims raised in the lawsuit styled *Paula Etchieson, et al. v. Hope Pediatrics, et al.*; Cause No. DC-17-00789, in the 17th Judicial District Court of Dallas County, Texas (the “Underlying Suit”).

Colony and Hope Pediatrics have voluntarily agreed to resolve the disputes at issue by entering into a Release, Hold Harmless, Indemnity Agreement, and Contract of Settlement, the provisions of which are incorporated herein by reference. Therefore, the Parties file this Joint Rule 41 Stipulation of Dismissal with Prejudice.

Federal Rule of Civil Procedure 41 provides that an action may be dismissed by the filing of “a stipulation of dismissal signed by all parties who have appeared.” FED. R. CIV. P. 41(a)(1)(ii); *see also Yesh Music v. Lakewood Church*, 727 F.3d 356, 362 (5th Cir. 2013). A court order is not

necessary when the parties to the lawsuit file a stipulation of dismissal under Rule 41(a)(1)(ii). *Yesh Music*, 727 F.3d at 362.

Therefore, the Parties jointly stipulate that this case shall be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii).

WHEREFORE the Parties pray the Court take notice of this Joint Rule 41 Stipulation of Dismissal with Prejudice grant the Parties any other and further relief, at law or in equity, to which they are entitled.

Respectfully submitted,

/s/ Stephen A. Melendi

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**ATTORNEY FOR DEFENDANT HOPE
PEDIATRICS, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will electronically send notification to the all counsel of record.

/s/ Stephen A. Melendi
Stephen A. Melendi